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Mexico

Solid Wood Products

Mexico Announces NOM Project for Wood Packaging Materials (PROY-NOM-144-SEMARNAT-2004)

2004

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Report Highlights:

On September 24, 2004, the Mexican Secretariat of the Environment and Natural Resources (SEMARNAT) published in the Diario Oficial (Mexico's "Federal Register") new phytosanitary measures proposed for wood packaging materials used in the international trade of commercial goods. These measures are designed to bring Mexico in compliance with ISPM 15 of the International Plant Protection Convention (IPPC). (Ref: MX4502).

Includes PSD Changes: No
Includes Trade Matrix: No
Unscheduled Report
Monterrey ATO [MX4]
[MX]

Disclaimer: This summary is based on a *cursory* review of the subject announcements and therefore should not, under any circumstances, be viewed as a definitive reading of the regulations in question, or of its implications for U.S. agricultural export trade interests. In the event of a discrepancy or discrepancies between this summary and the complete regulations or announcements as published in Spanish, the latter shall prevail.

Executive Summary: On September 24, 2004, the Mexican Secretariat of the Environment and Natural Resources (SEMARNAT) published in the *Diario Oficial* (Mexico's "Federal Register"), PROY-NOM-144-SEMARNAT-2004, which outlines guidelines that will affect solid wood products used as packaging material for imported goods and merchandise. This NOM, replaces NOM-EM-144-SEMARNAT-2003, an emergency measure published on November 26, 2003, but never implemented. The regulations of NOM-144 are in response to an agreement between the Heads of the National Plant Protection Organizations of the United States, Canada and Mexico under ISPM 15 of the International Plant Protection Convention (IPPC) entitled, "Guidelines for Regulating Wood Packaging Material in International Trade", approved by the IPPC on March 15, 2002.

The aforementioned regulation will be subject to a 60-day comment period, starting the day of its publication (September 24, 2004). Subsequently, SEMARNAT will have 45 days to reply to comments and to publish the corresponding answers in the "Diario Oficial". The Official rule will be published in Mexico's "Diario Oficial" 15 days after the date of publication of SEMARNAT's response to comments and questions. SEMARNAT's target date for publishing the final rule is between mid December 2004 and January of 2005.

Title: PROY-NOM-144-SEMARNAT-2004 Phytosanitary Measures for Wood Packaging Materials.

Products Affected: Wood packaging material including pallets used in commercial trade of goods and merchandise.

Status: Project regulation opened for public comment.

Comment period: 60 days starting the day of its publication (September 24, 2004).

Important Features of the Regulation: The additional information in (PROY-NOM-144-SEMARNAT-2004) not included in NOM-EM-144 (Ref: MX4502) includes:

1. The authorization for the use of methyl bromide (MB) to fumigate wood packaging materials.
2. The ruling and guidelines to facilitate the inspection at entry points to Mexico of wood packaging materials used in imported goods and merchandise.
3. The requirements by SEMARNAT to grant authorization to companies for applying approved treatment measures and the corresponding identity mark.

Key elements to take in consideration:

- All wooden packaging materials must be treated with one of the phytosanitary measures established in the ruling. To facilitate inspection, the approved treatment identity mark must be visible upon arrival at entry points to Mexico.
- Having the approved treatment identity mark does not exempt wood packaging material from inspection by PROFEPA officials.
- If wood packaging material arrives to Mexican entry points without the approved treatment identity mark, the importer must:
 - A. Apply one of the authorized phytosanitary treatments to the packaging material.
 - B. Substitute with national wood packaging material or with packaging material that complies with the current regulation or use non-wood packaging material. In this case a PROFEPA official must be present to verify that approved procedures are followed.
 - C. Return the wood packaging material to the exporting country.It should be pointed out that, the importer must cover all costs incurred in any of the above options.

In addition, the surveillance and enforcement of this regulation will be under the responsibility of the Federal Attorney's Office of Protection to the Environment (PROFEPA), the operating arm of SEMARNAT, whose personnel will carry out the inspections at corresponding entry points to Mexico. Target date for PROFEPA to implement the inspection procedures is July 2005.

Possible areas of concern: PROFEPA officials who have been contacted by this office have expressed concern that there is limited staff (71 inspectors in total) to cover all entry points to Mexico and whom might be overwhelmed by additional inspection activities. Furthermore, they stated that these inspection points are currently unsuitable to carry out the inspection of wood packaging materials. As a consequence, this new inspection procedure will slow down the import process into Mexico and could create problems especially for perishable products, since the cold chain will most certainly be broken.

In order to comply with the new regulation in an efficient manner, PROFEPA is looking for alternatives such as hiring more personnel for inspection or having SAGARPA make the inspections at their corresponding inspection offices.

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International Plant Protection Convention (IPPC): The IPPC is a multilateral treaty within the Office of Director General of the Food and Agriculture Organization of the United Nations. The United States, Canada and Mexico and 128 other countries are contracting parties to the IPPC. (<http://www.ippc.int/IPP/En/default.htm>).

North American Plant Protection Organization (NAPPO): <http://www.nappo.org>

Implementation of ISPM No. 15 on Wood Packing Materials in NAPPO countries:

<http://www.nappo.org/Standards/Woodpacking-bil.htm>

Internet Connections: Visit our headquarters home page at www.fas.usda.gov

Useful Mexican Web Sites: Secretariat of the Environment and Natural Resources web site can be found at www.semarnat.gob.mx. This web site is mentioned for the reader's convenience but USDA does NOT in any way endorse, guarantee the accuracy of, or necessarily concur with the information contained in the mentioned site.

Mexican government office receiving comments: The Mexican Secretariat of the Environment and Natural Resources (SEMARNAT).

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